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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,702	07/17/2003	Steven P. Anonsen	M61.12-0553	1519

27366 7590 09/18/2007

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EXAMINER	
FLEURANTIN, JEAN B	

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
09/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mN

Office Action Summary	Application No.	Applicant(s)	
	10/621,702	ANONSEN ET AL.	
	Examiner	Art Unit	
	JEAN B. FLEURANTIN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 11-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 11-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/12/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) arguments filed on 1/08/07.

The following is the current status of claims:

Claims 2-10 and 18-55 have been withdrawn.

Claims 1 and 11-17 remain pending for examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/12/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Applicant's arguments filed 1/08/07, with respect to claims 1 and 11-17 have been fully considered but they are not persuasive for the following reasons, see sections I (repeated rejections) and II (response to arguments).

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Understanding SQL" Martin Gruber - 1990, pages 80-85, 88-94 and 410-415, ("Gruber") in view of U.S. Pat. No. 6,484,180 issued to Lyons et al., ("Lyons") and further in view of U.S. Patent 6,263,328 issued to Goden et al., ("Goden").

As per claim 1, Gruber discloses "a computer readable medium having a tangible component with to specify a query of data in a relational database in terms of entity properties and fields" (i.e., specifying a query, inserting each row into table name; see page 413, last paragraph Syntax), "the method receiving a plurality of parameters the query" (i.e., a query specifying, inserting rows into table name; see page 413, last paragraph Syntax), comprising:

"a JoinList parameter" (i.e., join tables; see Fig. 8.1 and page 89, the entire paragraph 2 and page 415, paragraph 1, line 3);

"a selectList parameter" (see page 414, last paragraph, lines 1-2);

"a whereExpression parameter" (see page 415, paragraph 1, line 2); and

"an orderBylist parameter" (see page 415, paragraph 1, line 5). Gruber fails to explicitly disclose an application programming interface exposing an adhocQueryCriteria. However, Lyons discloses an application programming interface exposing an adhocQueryCriteria (see Lyons col. 9, lines 12-19). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Gruber by an application programming interface exposing an adhocQueryCriteria as disclosed by Lyons (see Lyons col. 8, lines 30-62 and col. 10, lines 28-31). Such a modification would allow the system of Gruber to provide a mechanism that achieves the benefits of both the relational model and the object oriented model (see Lyons col.

5, lines 11-13), therefore, improving the accuracy and the reliability of the querying an object for properties.

While the Gruber/Lyons fails to substantially disclose in detail an application programming interface exposing an adhocQueryCriteria; an entityAliasList parameter ~~having~~ identifying an object ~~to specify~~ that forms part of the query of data. However, Goden discloses an entityAliasList parameter ~~having~~ identifying an object ~~to specify~~ that forms part of the query of data (see Goden col. 8, lines 45-67, particularly lines 56-59 and col. 31, lines 15-18). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Gruber/Lyons as disclosed by Goden (see Goden col. 8, lines 56-59). Such a modification would allow the system of Gruber/Lyons to improve database query system (see Goden col. 1, lines 51-52).

As per claim 11, in addition to claim 1, "~~to specify~~ by referring to the object or an alias for the object, the object forming a part of the a query of data; and a SelectList parameter" (i.e., select parameters (odate, snum, amt); page 27, paragraph 1 and Fig. 3.3).

As per claims 12 and 16, Gruber further discloses "an orderBylist parameter" (see Fig. 7.4 and page 80, paragraph 2).

As per claims 13, 15 and 17, Gruber further discloses "a joinList parameter" (i.e., join tables; see Fig. 8.1 and page 89, the entire paragraph 2 and page 415, paragraph 1, line 3).

As per claim 14, the limitations of claim 14 are similar to claim 1, therefore, the limitations of claim 14 are rejected in the analysis of claim 1, and this claim is rejected on that basis.

Response to Arguments

II. The claim Amendments raise the following:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 2106:

The independent claims 1 and 11 are directed to a computer-readable *medium* having a tangible component, in which an application programming interface encoded thereon for exposing. The claimed steps are not being performed by any form of computer hardware component. Therefore, the mechanism for an application programming interface that exposes a variety of different methods, and formulating a query for data store mechanism 14 to retrieve all series for a particular order as the purpose of the invention. The claimed, medium, fails to fall with one of four statutory categories of invention, process, machine, manufacture and composition, and is software per se.

Therefore, the claim has no end result.

The dependent claims are rejected under the same rational.

In response to applicant's argument, page 12, paragraph 4, that "neither taught nor suggested by Golden", the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, n958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, While, Gruber and Lyons fail to specifically disclose

an application programming interface exposing an adhocQueryCriteria; an entityAliasList parameter ~~having~~ identifying an object ~~to specify~~ that forms part of the query of data. However, Golden discloses an entityAliasList parameter ~~having~~ identifying an object ~~to specify~~ that forms part of the query of data (see Golden col. 8, lines 45-67, particularly lines 56-59 and col. 31, lines 15-18). Such a modification would allow the system of Gruber to improve database query system (see Golden col. 1, lines 51-52).

Furthermore, Gruber discloses "a JoinList parameter" (i.e., join tables; see Fig. 8.1 and page 89, the entire paragraph 2 and page 415, paragraph 1, line 3); "a selectList parameter" (see page 414, last paragraph, lines 1-2); "a whereExpression parameter" (see page 415, paragraph 1, line 2); and

"an orderBylist parameter" (see page 415, paragraph 1, line 5).

Lyons discloses a user interface level, using query object; see col. 6, lines 26-30.

Golden discloses a system has an interface to one or more databases and query objects, in which each of the query objects derived from one of the base objects; see col. 2, lines 1-15. Therefore, the combination of Gruber/Lyons and Goden discloses the claimed limitations. Further, the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

MPEP 2111: During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification" Applicant always has the opportunity to amend the claims during prosecussion and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court found that applicant was advocating ... the impermissible importation of subject matter from the specification into the claim. See also In

re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit. Rather, the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in application's specification.").

The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

For the above reasons, it is believed that the last Office Action was proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONTACT INFORMATION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571-272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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